

REMARKS

Claims 1-18 remain pending in the present application. Claims 1-14 have been amended. Claims 15-18 are new. Basis for the amendments and new claims can be found throughout the specification, claims and drawings originally filed.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-14 are rejected under 35 U.S.C. § 102(b) as being anticipated by Susa, et al. (U.S. Pat. No. 5,269,367). Applicants respectfully traverse this rejection.

Claims 1 and 2 have been amended to define the shroud as being adapted to be sandwiched between the brackets (Claim 1) or the heat exchanger (Claim 2) and the vehicle body. The shroud in Susa, et al. is not sandwiched between brackets or the heat exchanger and the vehicle body.

Thus, Applicants believe Claims 1 and 2, as amended, patentably distinguish over the art of record. Likewise, Claims 6-8 and 12, which depend from Claim 1 or Claim 2, are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

Claims 3 and 4 have been amended to define the brackets as covering the top side and bottom side of the heat exchanger (Claim 3) or the shroud as covering the top side of the heat exchanger (Claim 4). Susa, et al. does not disclose, teach or suggest either the brackets or the shroud covering the heat exchanger as is defined in amended Claims 3 and 4.

Thus, Applicants believe Claims 3 and 4, as amended, patentably distinguish over the art of record. Likewise, Claims 5, 9-11, 13 and 14, which ultimately depend

from Claim 3 or Claim 4, are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

NEW CLAIMS

New Claims 15-18 are dependent claims which Applicants believe properly further limit Claims 1-4, respectively.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: November 17, 2005

By: 

Michael J. Schmidt, 34,007

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

MJS/pmg